

Remarks

Claims 2, 12, 15, 16 and 34 are amended. Claims 1 to 36 are pending in this application of which claims 1, 2, 8, 11, 12, 15, 16, 22, 26 and 31 are in independent form.

Claims 8 to 10, 22 to 25 and 31 to 36 are allowed.

Claims 2, 12 to 14 and 16 were objected to only because they were dependent from a rejected base claim. Accordingly, claims 2, 12 and 16 are amended herein to incorporate therein all the features and limitations of the claims from which they had depended. Accordingly, claims 2, 12 and 16 should now be in condition for allowance. Claims 13 and 14 are dependent from claim 12 so that these claims too should now be in condition for allowance.

The proposed drawing correction filed on July 14, 2003 is approved so that applicants have submitted corrected formal drawings as required in reply to this office action. The corrected formal drawings are submitted under a separate transmittal letter.

Statement of Common Ownership

Applicants call attention to the fact that United States Patent 6,348,994 (Geier et al) and the present patent application serial no. 10/025,461 were, at the time the invention of said patent application serial no. 10/025,461 was made, owned by Carl-Zeiss-Stiftung. More specifically, Geier et al is assigned to Carl Zeiss Jena GmbH, which was, at the time the invention of said present patent application was made, and continues to be, a wholly-owned subsidiary of Carl-Zeiss-Stiftung, the assignee of said present application.

Independent claims 1, 11, 15 and 26 were rejected under 35 USC 102(e) as being anticipated by Geier et al.

In view of the common ownership, the applicants' invention falls under the safe harbor provision provided by 35 USC 103(c) which exempts from prior art, technical information developed within the common organization that falls under 35 USC 102(e). In view of the above, applicants respectfully request that Geier et al be withdrawn as a reference.

The foregoing notwithstanding, the applicants will now show that the independent claims 1, 11, 15 and 26 would all patentably distinguish the invention over Geier et al even if it were available as a reference.

In the action, the item "O" is referred to as a single display. However, this element in FIGS. 4 and 6 is an object which modulates the light or is excited to self-illumination. Accordingly, the display element is not present in Geier et al as in the present invention.

Moreover, it is noted that Geier et al alternately blocks respective beams of light whereas, in the applicants' invention, a switchover device for switching a common viewing beam path separately into first and second beam paths is provided. This feature and limitation is set forth, for example, in claim 1 with the clause:

"a switchover device for alternately coupling information shown on said display from said common viewing beam path separately into said first and second component beam paths in synchronism with the presentation of said left and right partial images on said display." (emphasis added)

The above feature is nowhere suggested in Geier et al so that it is not seen how our person of ordinary skill could possibly arrive at the applicants' invention from a consideration of Geier et al.

Claims 15 and 26 likewise have this feature and limitation so that they too should now be allowable. With respect to claim 11, applicants note that this claim includes the feature and limitation of the display referred to above so that this claim too should patentably distinguish the applicants' invention over Geier et al.

Dependent claims 3 to 7, 17 to 21 and 27 to 30 are all dependent from one of the independent claims so that these claims too should now be allowable.

In view of the foregoing, reconsideration of the application is earnestly solicited.

Respectfully submitted,



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